

Trinity River flow to grow

Hoopa rejoice after judges rule to cut diversions, boost salmon

By Alex Breitler / Record Searchlight- July 14, 2004

SAN FRANCISCO — More than three years after then-Interior Secretary Bruce Babbitt canoed down the Trinity River and agreed to send more water for its narrow channels, a federal appeals court on Tuesday cleared the way for the plan to be put into practice.

The 9th Circuit Court of Appeals sided with American Indians, overturning most of a lower court's ruling in favor of irrigators and utility districts.

"We're ecstatic," said Clifford Lyle Marshall, chairman of the Hoopa Valley Tribe.

The tribe battled for increased flows to boost depleted salmon runs on the culturally cherished river, which cuts through the Hoopa reservation north of Willow Creek.

"The science was upheld," Marshall said. "It was a costly and hard-fought battle, but we're pleased."

Historically, more than two-thirds of the river's water has been diverted through a tunnel to Whiskeytown Lake, spinning turbines and generating electricity. From there, it flows down the Sacramento River and is pumped to farms in the San Joaquin Valley.

At one time, up to 88 percent of the Trinity water was sent south. The Babbitt agreement would reduce that number to 52 percent.

"It's really a total victory," said Tom Stokely, a Trinity County planner and advocate of river restoration. "Now we can actually focus on implementing the program instead of preparing endless environmental documents and fighting it out in court."

Tupper Hull, spokesman for the plaintiff Westlands Water District, said irrigators were reviewing the 45-page ruling and had not yet decided whether they would appeal to the U.S. Supreme Court.

Hull said the district, which covers 600,000 acres of farmland, was still hoping for a settlement. One such deal offered to the Hoopa tribe was rejected.

"This is an issue that's gone on too long and been too divisive," Hull said.

Westlands sued in 2000, claiming the federal government ignored other river restoration options aside from upping flows. A U.S. District Court judge in Fresno agreed, ordering more environmental review and capping river levels in the meantime.

But the trio of 9th Circuit judges called the number of studies on the Trinity River "staggering" evidence of years of thorough scrutiny.

Because of diversions, the river faced what amounted to extreme drought conditions for three decades. Federal biologists estimated in 1980 that fish populations had declined 60 percent to 80 percent over historical numbers.

Trinity diversions "radically altered the Trinity River environment, destroying or degrading river habitats that supported once-abundant fish populations," wrote Judge Alfred T. Goodwin.

Higher water flows would scour away encroaching plants and create a meandering, shallow channel with protected pools for spawning salmon.

Fears of power loss for Redding Electric Utility and other providers are insignificant, the judge wrote, noting that higher flows on the Trinity would reduce the state's energy supply by one-tenth of 1 percent.

Westlands officials have said decreased diversions would cost hundreds of farm jobs and deplete the district's water supply by about 5 percent.

It's unclear exactly when the higher river flows will take effect. Four bridges are being reconstructed to stand up against all that water, and some homes and other structures need to be moved, Stokely said. Many other non-flow methods outlined in the restoration plan are already under way.

The decision pleased Trinity County Supervisor Ralph Modine, who said the federal government must have spent a lot of money writing reports to back up what already amounted to two decades of scientific study.

"It's wonderful news," he said.

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